

**Notice of Allowability**

Application No.

09/560,167

Examiner

Joseph R. Pokrzywa

Applicant(s)

FRUTH ET AL.

Art Unit

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/28/05.
2. ☒ The allowed claim(s) is/are 1-12 and 15 (renumbered as claims 1-6, 8-13 and 7, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

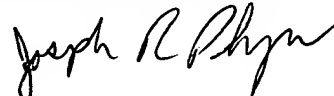
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/3/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Joseph R. Pokrzywa  
Primary Examiner  
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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 9/28/05, and has been entered and made of record. Currently, **claims 1-12 and 15** are pending.

### ***Information Disclosure Statement***

2. The reference listed in the Information Disclosure Statement submitted on 10/3/05 has been considered by the examiner (see attached PTO-1449). The examiner notes that while the Information Disclosure Statement included a heading of "Sheet 1 of 2", only one sheet of the Information Disclosure Statement was in the file.

### ***Allowable Subject Matter***

3. **Claims 1-12 and 15** are allowed (renumbered as **claims 1-6, 8-13, and 7, respectively**).

4. The following is an examiner's statement of reasons for allowance:

Regarding **claims 1 and 7 (renumbered claims 1 and 8, respectively)**, in the examiner's opinion, it would not have been obvious to have the invention, as claimed, include the features of shifting a first scan line without packet loss and including a detected end of the first scan line, that is received in the FTE after the discarding, to join a second scan line without packet loss and including a detected end of the second scan line, that is received in the FTE before the discarding, to form a facsimile image. The closest prior art, previously noted as Barber (U.S. Patent Number 6,535,906), as well as the references of Joffe (U.S. Patent Number 6,559,980)

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and Schuster *et al.* (U.S. Patent Number 6,483,600), both of which were noted as pertinent prior art in the Office action dated 10/24/03, each fail to teach the feature of shifting a first scan line without packet loss and including a detected end of the first scan line, that is received in the FTE after the discarding, to join a second scan line without packet loss and including a detected end of the second scan line, that is received in the FTE before the discarding, so as to form a facsimile image. Thus, because of these features, which were incorporated from the previously presented claims 13 and 14, the claims are now rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

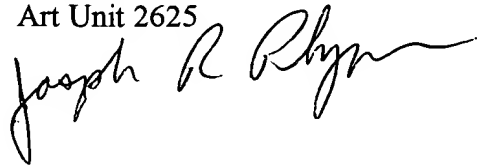
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2625

A handwritten signature in black ink, appearing to read "Joseph R. Pokrzywa", written over the printed name and title.

jrj